APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,053	06/28/2000	Eric Lauzon	584-1027	5671

			EXAMINER
23644	7590	07/08/2005	HARTMAN JR, RONALD D

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ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,14 and 15* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,14 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/25/2005*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 15 should not depend from claim 13 as this claim has been canceled.

Therefore, claim 15 has been interpreted to depend from claim 14.

Claim Rejections - 35 USC § 102 (maintained)

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 1, 7-8, 11 and 14 are rejected under 35 U.S.C. 102(a) as being

anticipated by the article entitled, "ChaiTime: A System for Rapid Creation of Portable

Next-Generation Telephony Services Using Third-Party Software Components"

(Hereafter: Anjum).

As per claims 1 and 11, Anjum teaches a method of remotely controlling a

destination terminal from an originating terminal, wherein the destination terminal has

an associated signalling protocol client and an associated processor, the method

comprising the steps of:

-       associating computer software code with at least one signaling protocol

message (e.g. Examiner interprets this limitation to correspond to the use of

JavaBeans, servlets or applets which are used in an SIP, session initiation protocol,

communication network; page 25, 1st column, "As shown in Figure 2...");

-      sending the signaling protocol message to the destination terminal from

the originating terminal (e.g. Examiner interprets this limitation to correspond to Anjum's

teaching of a dynamic service download wherein a destination terminal, terminal B, is

invited to join a communication session with an originating terminal, terminal A; page

22, "Example Scenario: Dynamic Service Download. In this scenario, a service can be activated ..."); and

- executing the computer software code using the processor associated with the destination terminal in order that the software code controls the destination terminal (e.g. Examiner interprets this limitation to correspond to the destination terminal, terminal B, downloading appropriate resources after being instructed specifically where to find the resources; page 22, "Example Scenario: Dynamic Service Download. In this scenario, a service can be activated ..." and page 30, "Use of SIP").

As per claim 14, the rejection of claim 1 is equally applied herein as these features, that is, the use of a destination terminal, in addition to the other claimed features, is adequately contemplated by the rejection of claim 1.

As per claims 7-8, Anjum teaches the software code arranged to access information about the configuration of the destination terminal (e.g. Examiner interprets this limitation to correspond to Anjum's teaching of automatically and transparently configuring the destination terminal so as to allow both terminals to utilize a common communication session; See Example Scenario: Dynamic Service Download).

4.   Claims 1 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Donovan et al., U.S. Patent No. 6,615,236.

As per claims 1 and 14, all of the features are believed to be adequately anticipated by an SIP communication system having extended feature control capabilities. This system is clearly taught by Donovan et al. in that Donovan et al. discloses an SIP based control telephone system, and all of the features of claims 1 and 14 are believed to be inherent to an SIP network, with is exactly what is disclosed by Donovan et al. (See Donovan et al., Entire Disclosure, specifically C1 L50-65),

It is worth mentioning that claims 1 and 14 only require software code, and since the specification does not require the "code" to be code that is only interpretable by a

computer, written text, as disclosed by Donovan et al.'s CIP telephone control system,
is not excluded, and as it is clearly taught in Donovan et al. (See C4 L18-30, C4 L50-62
and C5 L13-23), it satisfies the loose requirements set forth by the definition of code
from the applicant. Therefore, for at least the aforementioned reasons, all of the
features and or limitations of claims 1 and 14 and believed disclosed or rendered
inherent by an SIP communication network, the system taught by Donovan et al.

Claim Rejections - 35 USC § 103 (maintained)

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 2-6, 9-10 and 15 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Anjum, as applied to claims 1 and 14 above, in view of Schuster et
al., U.S. Patent No. 6,584,490.

As per claims 2-6, 9-10 and 15, although Anjum teaches a terminal component
being utilized for providing a speed dialing service, Anjum does not specifically teach
the components performing the following functions: functions for security purposes,
functions for caller id and display, functions for utilizing priority levels of incoming calls,
functions for call forcing, functions for configuration of terminating services and
functions for call forwarding.

Schuster teaches a plethora of call control features, the call control features
including priorities, voice mail routing, changing of operation parameters (configuration),
caller ID and call forcing (C1 L27 – C2 L49), that is, it is believed that Schuster
adequately discloses all of the aforementioned call control features which are absent in
the teachings of Anjum.

Since Schuster teaches the need for these call control features in an IP
telephony system, and since Anjum teaches the use of an IP telephony system which

utilizes an SIP communication protocol so that communication sessions between terminals can be effectively and efficiently managed, the incorporation of the call control features disclosed by Schuster would obviously benefit the system of Anjum by providing many advanced call control functions that were well known at the time the invention was made, thereby forming a more effective way of controlling and or managing communication sessions between individual user terminals, and this would have been obvious at the time the invention was made.

7.   Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being obvious over Donovan et al., U.S. Patent No. 6,615,236.

As per claims 1 and 14, all of the features are believed to be adequately anticipated by an SIP communication system having extended feature control capabilities. This system is clearly taught by Donovan et al. in that Donovan et al. discloses an SIP based control telephone system, and all of the features of claims 1 and 14 are believed to be inherent to an SIP network, with is exactly what is disclosed by Donovan et al. (See Donovan et al., Entire Disclosure, specifically C1 L50-65),

It is worth mentioning that claims 1 and 14 only require software code, and since the specification does not require the "code" to be code that is only interpretable by a computer, written text, as disclosed by Donovan et al.'s CIP telephone control system, is not excluded, and as it is clearly taught in-Donovan et al. (See C4 L18-30, C4 L50-62 and C5 L13-23), it satisfies the loose requirements set forth by the definition of code from the applicant. Therefore, for at least the aforementioned reasons, all of the features and or limitations of claims 1 and 14 and believed to be either taught or rendered obvious by the disclosure of an IP telephony system utilizing an SIP communication network, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

Response to Arguments

8.   The applicants definition of "signaling protocol message", as described by the Remarks section in the applicants response, appears to equate to the use of specific

protocols such as SS7, SIGTRAN, H.323, BICC and SIP. These protocols are well known in the art of "media sessions", and therefore, claim 1 essentially claims a method for remotely controlling a destination terminal by utilizing "software code" stored in the message. This feature has been interpreted to be the functional equivalent of a media session in which "data" is sent to the destination terminal in order to control the destination terminal, since the applicant has not provided an adequate definition as to what is explicitly meant by software code. Therefore, it seems sufficient to interpret any data which is utilized by the destination terminal as being the functional equivalent of software code, per se, since the data or code must be first interpreted, using the destination terminal, before the data or code is executed by destination terminal in order to perform some control type function at the destination terminal. The applicant has argued that there is no teaching in ChaiTime in which software code is stored in a message. The examiner is confused by this statement since, if a remote terminal possesses the ability to send data which controls the destination terminal through a communications network, and that this data is communicated to the destination terminal during a session, just what exactly is the applicant trying to claim with regards to a signaling protocol message? What is meant by *message* specifically? A call setup message? A session initiation message? Any message? Broadly interpreted, it appears that the very existence of a session proves that a session has been initiated, and therefore, this would lead one of ordinary skill in the art to conclude that a signaling protocol message has already been transmitted since the session could not exist without the commencement of a message to start the session, in other words, through use of session initiation message. Furthermore, if, during the session, other data is transmitted to the remote terminal for purpose of control, this other data would obviously be interpreted to be another message, since it is data that is communicated to the remote destination terminal, and once again, the examiner has become extremely confused with the applicants liberal use of message and signaling protocol messages and software code. In light of the applicants dependent claims which limit the software code to being JAVA, it appears that the JAVA call control anticipated by the ChaiTime disclosure is adequate to contemplate at least claim 1. If the applicant feels that the

examiner has once again misinterpreted the claimed invention, he/she is kindly asked to specifically define what the signaling protocol message is, and what is explicitly meant by software code, and what is explicitly meant by storing code in a message since the examiner is under the impression that the system of ChaiTime does, contrary to the assertions of the applicant, anticipate the claimed invention contemplated by at least claim 1 for at least the aforementioned reasons. It is also noted that, contrary to the applicants contention, a URL does in fact control the destination terminal by instructing it where to go, and this instruction may be broadly interpreted to be control, per se, since once again the applicant has chosen words so broad in nature (i.e. control) that one of ordinary skill in the art would have concluded that *any function performed by the destination terminal is the functional equivalent of control, per se.*

The applicant then goes to state that there is no disclosure of embedding a URL within an SIP message. However, upon review of the pending claims, this feature does not appear in either of claims 1 or 14, and therefore the examiners response to this argument is moot since the applicant is arguing features not in the claims.

The applicant is thanked for the definition of URL, but disagrees with the applicant that it is not software code. Once again, the applicant has made no distinction as to what is meant by code and therefore it may be broadly interpreted to mean just about anything so long as the anything is used by the destination terminal to control functions thereof.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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